

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

PHARMASTEM THERAPEUTICS, INC.,
a Delaware corporation,

Plaintiff,

v.

VIACELL, INC., a Delaware corporation,
OBSTETRICAL AND
GYNECOLOGICAL ASSOCIATES, P.A.,
and FEMPARTNERS, INC., a Delaware
corporation,

Defendants.

Civil Action No.: 04-CV-11673-RWZ

HEARING REQUESTED

**PLAINTIFF'S MOTION FOR A PRELIMINARY INJUNCTION AGAINST
VIACELL, INC. PURSUANT TO 35 U.S.C. § 283**

Plaintiff PharmaStem Therapeutics, Inc. ("PharmaStem") hereby moves the Court to preliminarily enjoin defendant ViaCell, Inc. from infringement of PharmaStem's U.S. Patent Nos. 6,461,645 B1 and 6,569,427 B1, pursuant to 35 U.S.C. § 283 (hereinafter, the "Motion"). The Motion is supported by the accompanying Plaintiff's Memorandum of Reasons in Support of its Motion for a Preliminary Injunction Against ViaCell, Inc. Pursuant to 35 U.S.C. § 283, [Proposed] Order, and Declaration of Edward W. Little, Jr. (with attached exhibits).

WHEREFORE plaintiff PharmaStem Therapeutics, Inc. respectfully requests that the Court allow its motion for a preliminary injunction against defendant ViaCell, Inc. and provide PharmaStem such other and further relief as this Court deems proper.

Respectfully submitted,

PHARMASTEM THERAPEUTICS, INC.

By its attorneys,

/s/ Edward W. Little, Jr.

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Dated: January 7, 2004

REQUEST FOR ORAL ARGUMENT

Because it believes that oral argument may assist the Court to render a full and fair decision on the merits of its motion, PharmaStem hereby respectfully requests a hearing on this motion.

CERTIFICATION PURSUANT TO LOCAL RULE 7.1

The undersigned certify that counsel for plaintiff has conferred with counsel for defendant ViaCell, Inc. in an attempt, in good faith, to resolve or narrow the issues raised by and in this Motion, and that the parties were unable to resolve or narrow the issues.

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of January 2005, I have caused a true and accurate copy of the foregoing to be served upon counsel of record as follows:

By e-mail notification:

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/s/ Edward W. Little, Jr.
Edward E. Little, Jr.